



## **Te Mana Raraunga Maori Data Sovereignty Network calls on NZ Police to open its black box on facial recognition**

16 March 2021

Te Mana Raraunga Māori Data Sovereignty Network tautoko concerns raised by Māori communities as well as Children's Commissioner Andrew Becroft about reports that the NZ Police photographed Māori youth and stored their images in a national database that can be used in facial recognition technology. This development is alarming given the Police's history of racialised surveillance of Māori, and the broader racism within the criminal justice system. Te Mana Raraunga acknowledges the impacts that the Police's behaviour has had on the rangatahi involved and their whānau.

According to media reports, the photos were stored in the National Intelligence Application (NIA), which is a database used by Police to manage information for operational policing. The NIA holds records about offences and incidents reported to Police as well as 'intelligence notings'. Some of the data, such as vehicle registration information, are owned and managed by other agencies.<sup>1</sup>

In other countries, police have used Facial Recognition Technology (FRT) to compare images in similar large databases with images of unidentified suspects taken on police mobile phones, from CCTV, and social media. It is unclear, in this instance, whether the Police obtained photos of Māori youth to compare them against images in the NIA, to add information to their records already held in the NIA, or to compare them against images held in some other database. The lack of transparency surrounding how these images have been used is a cause for concern for Māori communities, whose youth face early exposure to the criminal justice system under the current process.

Donna Cormack, a member of Te Mana Raraunga, says that this latest incident points to a wider and ongoing problem - a lack of Police transparency about how it is using FRT. Last year, it was reported that the Police had trialled facial recognition software without the approval or even the awareness of the Minister of Police, the Privacy Commissioner, or the broader public. Police Commissioner Coster has highlighted the importance of public debate about broad intelligence

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<sup>1</sup>This description of the NIA comes from a NZ Police response to a request under the Official Information Act: <https://fyi.org.nz/request/5057-nia-system>

scanning<sup>2</sup> but this rings hollow if there is little public information about how these systems operate and what data is collected.

Growing concern about the inappropriate use of FRT by law enforcement has led to bans of the technology in San Francisco, Oakland and other jurisdictions overseas because of known issues with reproducing racism and the amplified risk of harm, especially for groups that are already targeted by police. Police racism against Maori is well-documented, as is the disproportionate coverage of Maori in police and criminal investigations databases<sup>3</sup>.

**Te Mana Raraunga Maori Data Sovereignty Network urges the NZ Police to open its black box on facial recognition.** Specifically we call on the Police to:

- issue a clear and detailed statement about how it is using FRT, which databases are involved, and what public consultation or engagement has taken place
- undertake and make public the findings of a Privacy Impact Assessment of the Police's NEC Facial Recognition system

These actions can be taken immediately - they do not need to wait for the results of the Independent Police Conduct Authority review of Police photographing, or the recommendations from a new panel established to guide the Police on its use of emerging technologies.

It is critical that the NZ Police are transparent about what they are collecting and why, so that their actions can be subject to appropriate public scrutiny and independent oversight. As a Crown agency, the Police has obligations to uphold the principles of te Tiriti o Waitangi, and the principles of Free Prior and Informed Consent as set out in the United Nations Declaration on the Rights of Indigenous Peoples.

### **About Te Mana Raraunga:**

Te Mana Raraunga, the Māori Data Sovereignty Network, brings together more than 100 Māori researchers, practitioners and entrepreneurs across the research, IT, community and NGO sectors. TMR advocates for Māori rights and interests in data and for the development of Māori, iwi and hapu data infrastructure and capability.

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<sup>2</sup> Police Commissioner Andrew Coster on criticism and intelligence-gathering (Herald)

<https://www.nzherald.co.nz/nz/dialogue-police-commissioner-andrew-coster-on-criticism-and-intelligence-gathering/>

<sup>3</sup> see the TMR submission on the Law Commission Review of the law governing the use of DNA in criminal investigations: <https://www.temanararaunga.maori.nz/nga-panui>